

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
FOR THE DISTRICT OF MARYLAND  
2021 JUN -7 PM 3:30

UNITED STATES OF AMERICA

v.

Daniel Thomas Hersl

CLERK'S OFFICE  
AT BALTIMORE

BY KLO DEPUTY

Criminal No. 1:17-cr-00106

**MOTION FOR U.S. ATTORNEY TO SIGN GOV'T RESPONSE  
EMERGENCY CONSIDERATION REQUESTED**

Daniel Thomas Hersl, (hereinafter "Hersl"), represents himself pro se and respectfully request the court to freely give leave so justice may be served. Due to his limited legal knowledge and difficulty in fully accessing resources in prison during the COVID-19 pandemic, Hersl respectfully request the court to construe this motion liberally. Hersl has prepared this motion in partnership with his family.

Government co-prosecutors, AUSA Leo Wise and AUSA Derek Hines, suborned perjury against Hersl before the grand jury on June 15, 2017. This criminal act by the co-prosecutors was covered-up by them and others in the U.S. Attorney's Office (USAO) for almost four years. The criminal act was brought to the public's attention at an appeals hearing (*United States v. Paylor*, 1:14-cr-00271) on March 12, 2021, during questioning of AUSA Peter Martinez by 4<sup>th</sup> Circuit Appellate Judge Stephanie Thacker.

When Judge Thacker realized that AUSA Martinez was saying that government witness Paylor was lying against Hersl and AUSA's Wise and Hines were saying the opposite, she publicly insinuated the USAO was talking out of both sides of its mouth.

Clearly, former Acting US Attorney, Stephen Schenning, was allowing the contradictory strategies of opposing AUSAs to take place thus causing the inevitable suborning of perjury. Therefore, in order to avoid having this manipulation of justice against Hersl repeat itself, Hersl request the Court order the signature of the US Attorney on the government's response dated June 2, 2021, in lieu of the signature of the Assistant US Attorney. In Hersl's case, it is imperative that the US Attorney speak directly to the Court and avoid the USAO talking out of both sides of its mouth.

EMERGENCY SITUATION CONDITION: Within his 2255 motion, Hersl has proven his innocence by a chain of reasoning established by accepted truths that were not privy to the jury that convicted him. Hersl's conviction was due to prosecutorial misconduct of the USAO coupled with ineffective counsel. Both instances are crystal clear and self evident. With emphasis on the criminal malfeasance of the USAO, and Hersl's proof of innocence, he requests the Court to intervene the 2255 process prior to its conclusion and immediately release him from prison.

**VERIFICATION**

I have read the foregoing "MOTION FOR U.S. ATTORNEY TO SIGN GOV'T RESPONSE with EMERGENCY CONSIDERATION REQUESTED" and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true and correct. Executed at the U.S. Medical Center for Federal Prisoners, Springfield, Missouri, on this 7<sup>th</sup> Day of June, 2021.

Respectfully submitted,

Daniel Thomas Hersl By Jane Shell

Daniel Thomas Hersl

Federal Inmate # 62926-037

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that the forgoing "MOTION FOR U.S. ATTORNEY TO SIGN GOV'T RESPONSE with EMERGENCY CONSIDERATION REQUESTED" was delivered by hand on the 7<sup>th</sup> Day of June, 2021 to:

United States District Court  
Office of the Court's Clerk  
101 West Lombard Street  
Baltimore, Maryland 21201

Mr. Hersl respectfully requests the Court's Clerk Office to serve all other interested parties by electronic notification and serve the movant with a stamped and filed copy of this motion.